

Exhibit 4

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE: |
FLINT WATER CASES | No: 4:17-cv-11218
| (consolidated)
| HON. LINDA V. PARKER |
| United States District Judge
Pages 1 - 175.

Volume 2 of the videotaped deposition of
JULIE E. GOODMAN, Ph.D.
taken via Golkow Virtual Remote,
commencing at 10:01 a.m.
Wednesday, October 9, 2024
before Ann L. Bacon CSR-1297.

VIDEOGRAPHER: MS. DEVYN MULHOLLAND

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1 APPEARANCES:

2
3 MS. CARY S. McGEHEE (P42318)
4 Pitt McGehee Palmer Bonanni & Rivers, P.C.
5 117 W. Fourth Street, Suite 200
6 Royal Oak, Michigan 48067
7 (248) 398-9800
8 cmcgehee@pittlawpc.com
9 Appearing on behalf of the Plaintiffs.

10
11 MS. DEBORAH A. LABELLE (P31595)
12 Deborah La Belle Law Offices
13 221 N. Main Street, Suite 300
14 Ann Arbor, Michigan 48104
15 (734) 996-5620
16 deblabelle@aol.com
17 Appearing on behalf of the Plaintiffs.

1 APPEARANCES, Continued:

2
3 MR. TIMOTHY B. WALTHALL

4 United States Department of Justice

5 Civil Division, Torts Branch

6 Environmental Tort Litigation

7 1100 L St. NW

8 Washington, DC 20005

9 (202) 305-0692

10 timothy.walthall@usdoj.gov

11 Appearing on behalf of the United States.

1 A. No, I wouldn't say required.

2 Q. Okay. Is there any type of quota that you have
3 or expectation on billable hours?

4 A. We have goals for billable hours, yes.

5 Q. And what are those goals?

6 A. I believe it's 70 percent of our time.

7 Q. Okay. Seventy percent of the time that you
8 work, you should be billing for, correct?

9 A. Yes.

10 Q. Okay. And does that compute to a certain number
11 of hours per year that you should be billing?

12 A. Well, I believe it's, I mean 70 percent of a
13 40-hour week times 50 weeks or however many
14 weeks without taking away vacation and holidays.

15 Q. Okay. So do you know what that number is?

16 A. Not off the top of my head, no.

17 Q. So you're saying 70 percent of 40 hours times 52
18 weeks, so 1,456 hours?

19 A. Well, there's holidays and vacation days, so it
20 would be less than that.

21 Q. Okay. And is there a certain amount of revenue
22 that you're supposed to generate as a principal
23 of Gradient per year?

24 A. I set a revenue goal, but I don't know that
25 there's a requirement. There's not a requirement.

1 Q. What's your revenue goal?

2 A. I do not know if that's -- I believe that's
3 business confidential information.

4 Q. Well, I don't think that that's -- first of all,
5 your attorney will, you know, offer objections
6 to the extent that they're appropriate, so I
7 think it's fair game for us to know what your
8 revenue goals are.

9 A. I would have to go back to my company and find
10 out if that is confidential or not. I'm not --
11 I believe that is confidential information.

12 MS. McGEHEE: Well, Tim, are you going
13 to instruct her not to answer that? Because I
14 think we get an answer for that.

15 MR. WALTHALL: I'm not going to
16 instruct her not to answer, but I am going to
17 request that this deposition be placed, at least
18 this portion of that deposition be placed as
19 confidential and privileged -- strike that --
20 confidential, and so that, Julie, you can answer
21 that question because this portion of the
22 deposition will be deemed confidential so that
23 it does not go out to the public. Is that
24 satisfactory to you or --

25 THE WITNESS: I don't know, honestly I

1 don't know how it works in terms of if we have
2 things that are company confidential, I don't
3 know that even if it's a confidential deposition,
4 that it's allowed. I would have to find out.

5 Q. (Continuing, by Ms. McGehee) Well, all we're
6 trying to find out is what your revenue goals
7 are for your company. I don't think that that
8 is something that would be considered proprietary
9 or confidential, so why don't we do this? When
10 we take a break, you can ask whoever needs to be
11 consulted as to whether you can provide that
12 information and we will agree that it's provided
13 confidentially under seal in relation to this
14 deposition so you can tell whoever you would
15 have to ask permission from that that will be
16 the case.

17 MR. WALTHALL: All right. That works
18 for us.

19 Q. (Continuing, by Ms. McGehee) Okay. Dr. Goodman,
20 your reports and opinions are strictly based on
21 lead exposure, correct?

22 A. Yes.

23 Q. They're not based on any other kind of
24 contaminant that was present in the Flint River
25 during the Flint Water Crisis, correct?

1 individual, are you talking about observable
2 change by a clinician?

3 A. Yes.

4 Q. Okay. But you're aware of the fact that even
5 one I.Q. drop can have an impact -- sorry.

6 A. I disagree with that.

7 Q. Well, I haven't even finished my question.

8 MR. WALTHALL: I was going to say there
9 is no question pending there.

10 Q. (Continuing, by Ms. McGehee) Okay. My question
11 is you testified that an I.Q. drop might not be
12 observable by a clinician and my question is
13 isn't it true that while a clinician might not
14 observe an I.Q. drop of one or two points, that
15 a drop of one or two points in I.Q. can have an
16 impact on the earning capacity of an individual?

17 MR. WALTHALL: Objection, form.

18 A. No, I disagree with that statement.

19 Q. (Continuing, by Ms. McGehee) Have you read any
20 studies in that regard?

21 A. I have.

22 Q. And what studies have you read?

23 A. I can't name them as I sit here.

24 Q. Isn't it true that health economists in 2009
25 estimated that each I.Q. point -- I'm sorry.

1 Each I.Q. point loss to elevated blood lead levels
2 represents a loss of \$17,815 in discounted value
3 of lifetime earnings? Are you aware of that?

4 MR. WALTHALL: Objection, form.

5 A. I would have to look at whatever document you're
6 referring to.

7 Q. (Continuing, by Ms. McGehee) Have you read a
8 report by Sheppard and Burnett regarding
9 confounding exposure measurement errors in air
10 pollution epidemiology?

11 A. It's possible. I would have to see it.

12 Q. Okay. What articles have you published on lead
13 exposure in cognitive development?

14 MR. WALTHALL: Objection, asked and
15 answered.

16 A. I do not believe I have published any on lead
17 and cognitive development.

18 Q. (Continuing, by Ms. McGehee) Have you reviewed
19 any academic papers for publication on either
20 the impact of lead exposure on cognitive
21 development or behavioral development?

22 A. Yes.

23 Q. What papers have you reviewed?

24 A. I have reviewed many papers. Many of them are
25 cited in the reference list of my report.

1 Q. Have you taught any classes in any school or at
2 university or graduate study on the impact of
3 lead exposure on cognitive development?

4 A. I'm sorry. You cut out at the beginning of the
5 question.

6 Q. Sure. Have you taught any classes in any school
7 or university or graduate study on the impact of
8 lead exposure on cognitive development?

9 A. I've taught epidemiology and toxicology and risk
10 assessment classes where the focus of the class
11 was certainly not on lead, but it may have been
12 brought up in some of the lessons.

13 Q. Okay. Other than that?

14 A. No.

15 Q. Okay. What about the impact of exposure on
16 behavioral development?

17 A. It would be the same answer.

18 Q. Same answer. Have you participated in any
19 studies or designed any studies with regard to
20 looking at the impact of lead exposure on
21 cognitive development?

22 A. I have not.

23 Q. Have you given any presentations or papers in
24 any situation, any conference symposium, any
25 meeting on the impact of lead exposure on

1 MR. WALTHALL: Fair enough. All right.

2 So shall we come back at say --

3 MS. LABELLE: Cary, is that because the
4 game starts at three?

5 MS. McGEHEE: No, I've got it recorded.
6 I record all the games. I don't even watch them
7 in realtime.

8 MR. WALTHALL: Shall we come back at
9 like 1:15?

10 MS. McGEHEE: Yeah, that's fine.

11 MR. WALTHALL: All right. Eastern time.

12 VIDEOGRAPHER: Off the record at 12:40 p.m.

13 (Recess 12:40 p.m. to 1:17 p.m.)

14 VIDEOGRAPHER: Back on the record at
15 1:17 p.m.

16 MS. McGEHEE: Okay. We're back again,
17 Dr. Goodman. So I hate to beat a dead horse
18 here, but really I'm having a little bit of a
19 problem with your unwillingness to provide us
20 with your salary, which is a pretty basic
21 question asked of an expert, goes to issues of
22 influence and bias and there's just really no
23 justification for you not to answer that
24 question and I think your attorney knows that,
25 and so I'm going to ask you again, and if we

1 can't get an answer, Tim, I'm going to ask you
2 to consult with your client and tell her that
3 she needs to answer that and, if not, I guess we
4 can get Judge Parker on the line to get us
5 through this issue.

6 MR. WALTHALL: Let me ask you this.
7 What you want is a salary number from her? Is
8 that what you're interested in?

9 MS. McGEHEE: Yeah, I want to know what
10 her salary is.

11 MR. WALTHALL: So I can narrow the
12 issue, and let's take a break and I'll go
13 off-line and let's chat and see if she can't get
14 some consent from her folks to do that in the
15 knowledge that it will be in strict confidence,
16 this portion of the deposition will be in strict
17 confidence.

18 MS. McGEHEE: Yeah, that's fine. I
19 have no problem with that. I prefer not to
20 bother Judge Parker.

21 MR. WALTHALL: I prefer that, too.
22 Let's go off the record and let me talk to my
23 client and I'll be right back.

24 MS. McGEHEE: Okay. No problem, Tim.

25 MR. WALTHALL: Or talk to my expert.

1 VIDEOGRAPHER: Going off the record at
2 1:19 p.m.

3 (Recess 1:19 p.m. to 1:36 p.m.)

4 VIDEOGRAPHER: Back on the record at
5 1:36 p.m.

6 MS. McGEHEE: Okay. So Dr. Goodman,
7 I understand we have a disagreement on your
8 ability to refuse to answer a question regarding
9 your salary and your employer has indicated that
10 it is not giving you permission to do so even
11 though we think that it's a question that's
12 valid and should be answered, so we're going to
13 mark the record, address it with the court and
14 come back if necessary.

15 MR. WALTHALL: And just while we're on
16 it, I'll just point out that Dr. Goodman has
17 already turned over what's required under the
18 rule and that the salary is not as relevant as
19 what's already been turned over. All right.
20 Thank you.

21 Q. (Continuing, by Ms. McGehee) So we do have your
22 billing that you've submitted and the billing
23 reflects that Gradient has billed the USA for
24 your services in an amount over \$400,000. In
25 fact, the bill I'm looking at which is Bates

1 stamped Goodman 000046 states that the current
2 bill at the time of this particular invoice,
3 which I believe was January 23, 2022 to
4 October 31, I guess that's just the performance
5 period, because that goes into 2025. At any
6 rate, it shows a bill of \$541,175, and as I
7 understand, you were retained by the USA in
8 November of 2022. Is that accurate?

9 A. I think I was retained in 2020, but I'm not
10 positive.

11 MR. WALTHALL: Would it help if you
12 showed her that invoice? Because I'm not
13 familiar with it either. It's up to you.

14 Q. (Continuing, by Ms. McGehee) Yeah, I've got an
15 award effective date of November 23, 2022 on a
16 solicitation contract order, so that's where I
17 get that date and I have a period of performance
18 of November 23, 2022 through October 31, 2023 on
19 that particular document Bates stamped Goodman 1.

20 A. I don't -- I think that's a continuation of a
21 prior contract and I also think it includes work
22 that somebody else did on a project that didn't
23 involve me possibly. I'm pretty sure. I have
24 to look to see.

25 MR. WALTHALL: And was that all work

1 for the Flint case?

2 MS. McGEHEE: Are you asking Dr. Goodman?

3 THE WITNESS: I would have to see it.
4 I can't say.

5 MR. WALTHALL: Yeah, okay. All right.

6 THE WITNESS: I can't answer.

7 Q. (Continuing, by Ms. McGehee) The invoices that
8 have been submitted to us for the work that you
9 performed indicate at least as of the date of
10 this invoice, which is Goodman 22, was a current
11 bill of -- and, I'm sorry, it's Goodman 46, of
12 541,175. And so can you tell us of the billing
13 that you have submitted to the EPA, I'm sorry,
14 the USA, what percentage of that would you say
15 is your salary?

16 A. Okay. Well, I don't actually think that's a
17 bill. I don't think there's ever been a bill
18 that high, so I really would need to see what
19 you're looking at, but I work on many different
20 projects at Gradient. I've been working on this
21 over the past four years, but I've worked on
22 many others, so I don't think I could -- it's
23 not like a one-to-one in terms of project billings
24 and my salary. My salary is just a salary.

25 Q. Okay. On one of the bills that I'm looking at

1 that was produced in association with this case,
2 it indicates that there was quite a bit of work
3 done on this by a senior project manager named
4 Anna Engle or Ingle?

5 A. Yes.

6 Q. Who is she?

7 A. She's my project manager.

8 Q. And what type of work was she performing in
9 relation to this retention?

10 A. When I -- for any of my projects, litigation or
11 non-litigation, whatever it is, I generally work
12 very closely with the project manager, so
13 everything is, I determine the scope and the
14 direction of the project, but we work closely
15 together. She helps me staff the project and
16 oversees the staff and so we figure out who to
17 delegate to and then she receives it before it
18 comes back to me. She keeps track of the budget
19 and the deadlines, oversees, for example, we
20 have what we call copy editors that will help
21 with references, so she oversees that, so really
22 kind of keeping the project moving day-to-day.

23 Q. Okay. But she's not a toxicologist or
24 epidemiologist?

25 A. She is not.

1 A. Oh, I don't know, ten years ago maybe.

2 Q. Okay. And what about the USA retentions, are
3 you working on those currently?

4 A. One of them, yes. One of them, no.

5 Q. Okay. What percentage of the work that you
6 performed in the last five years for your
7 employer Gradient would you estimate is coming
8 from work that has been contracted with the USA?

9 MR. WALTHALL: This one I will object
10 to because Patrick Haynes did get into that.
11 Asked and answered, but you can go ahead and
12 answer.

13 MS. McGEHEE: All right. Thanks.

14 A. I don't know in the last five years. I'm really
15 not sure about the percentage. I would say less
16 than a quarter, but I'm not positive.

17 Q. (Continuing, by Ms. McGehee) Okay. And of the
18 work that you're currently performing, let's
19 just say for this year, 2024, what percentage of
20 the time, of your time is dedicated to this case?

21 A. Oh, this year? Probably less than five percent,
22 but I'm not sure.

23 Q. Okay. What about in 2023?

24 A. Probably five percent. I don't -- I'm not
25 exactly sure. I'd have to look to be sure, but

1 it's on the low side.

2 Q. Okay. Assuming that you were retained in 2020,
3 in what year did you perform most of the work
4 that you've been retained to perform in this case?

5 A. Oh, I'm not sure. It would all be on the invoices.

6 Q. Are you working on any lead cases currently
7 other than this one?

8 A. I am not right now, but I had been, you know,
9 over the course of the last four years.

10 Q. Okay. Let's move on to your report. Okay. So
11 starting at page 77 of your report, you provide
12 your analysis of the Plaintiffs' claimed health
13 effects caused by lead, correct?

14 A. Sorry. I want to make sure. The question is
15 from page 77 is where I discussed the claimed
16 health effects of lead?

17 Q. For the Plaintiffs, right?

18 A. Yes, that's correct.

19 Q. Okay. And in relation to your analysis of the
20 claimed medical effects by the Plaintiffs'
21 health conditions, your analysis was strictly
22 based on the adverse health effects of lead, not
23 any other contaminant, right?

24 A. Correct.

25 Q. Okay. And you didn't do any type of analysis in

1 STATE OF MICHIGAN)

)

2 COUNTY OF MACOMB)

3 I, Ann L. Bacon, a Notary Public in and for
4 the above county and state, do hereby certify
5 that the witness, whose attached deposition was
6 taken before me in the entitled cause on the
7 date, time and place hereinbefore set forth, was
8 first duly sworn to testify to the truth, and
9 nothing but the truth; that the testimony
10 contained in said deposition was reduced to
11 writing in the presence of said witness by means
12 of stenography; that said testimony was
13 thereafter reduced to written form by mechanical
14 means; and that the deposition is, to the best
15 of my knowledge and belief, a true and correct
16 transcript of my stenographic notes so taken.

17 I further certify that the signature to and
18 the reading of the deposition by the witness was
19 waived by counsel for the respective parties
20 hereto; also, that I am not of counsel to either
21 party or interested in the event of this case.

22 

23 _____
24 Ann L. Bacon, Notary Public, Macomb County
25 Acting in Macomb County

My commission expires: 6/29/29